IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 212 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/11/2004 in WP NO : 18261 OF 2002 on the file of the High Court.)

Between:

Andhra Pradesh Industrial Infrastructure

Corporation Ltd., rep by Vice Chairman &
Managing Director, Hyderabad.

..... APPELLANT

AND

1 T. Lakshmi Bai, W/o late T. Mohan Lal
R/o Nanakramguda Village, Serilingampally Mandal, Ranga

Reddy District.
2 T. Ramesh Singh, S/o late T. Mohan Lal,
R/o Nanakramguda Village, Serilingampally Mandal, Ranga

Reddy District.
3 T. Prakash Singh, S/o late T. Mohan Lal,
R/o Nanakramguda Village, Serilingampally Mandal, Ranga

Reddy District.
4 T. Ravi Singh, S/o late T. Mohan Lal.
R/o Nanakramguda Village, Serilingampally Mandal, Ranga

Reddy District.
5 The District Collector, Ranga Reddy District at Hyderabad.
6 The Special Deputy Collector, Land Acquisition (Industries),

Hyderabad.

.....RESPONDENTS

For the Appellant: MR.E.MADAN MOHAN RAO, Standing Counsel.

For Respondent Nos.1 to 4: Smt. Ch. Lakshmi Kumari.

For Respondents 5 and 5: GP FOR LAND ACQUISITION

WRIT APPEAL NO : 234 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/04/2003 in WP NO : 21712 OF 2002 on the file of the High Court.)

Between:

A.P. Industrial Infrastructure Corporation

Ltd., Rep. by its Vice Chairman and

Managing Director, Hyderabad.

..... APPELLANT

AND

1 C.V.Sandeep Reddy,
R/o.Nanakramguda Village, Serilingampalli Mandal,

R.R.District.

2 N. Swapna Reddy,
R/o.Nanakramguda Village, Serilingampalli Mandal,

R.R.District.

3 C.V.Subba Reddy,
R/o.Nanakramguda Village, Serilingampalli Mandal,

R.R.District.

4 C.Venkateswari Devi,
R/o.Nanakramguda Village, Serilingampalli Mandal,

R.R.District.

5 The District Collector, R.R.District at Hyderabad.

6 The Special Dy.Collector, Land Acquisition (Industries),

Hyderabad.

.....RESPONDENTS

For the Appellant: MR.E.MADAN MOHAN RAO, Standing Counsel.

For Respondent Nos. 1 to 4: MR.C.PRAKASH REDDY, Advocate.

For Respondent Nos. 5 and 6: Government Pleader for Land Acquisition.

The Court made the following :

COMMON JUDGMENT: (per Sri B. Sudershan Reddy, J)

Both the writ appeals are being disposed of by a common judgment.

The learned single Judge quashed the draft declaration under Section 6 of the Land Acquisition Act, 1894 (for short 'the Act') and directed the enquiry under Section 5-A of the Act to be held only on the ground that the appellants herein failed to demonstrate the real urgency dispensing with the enquiry under Section 5-A of the Act. In our considered opinion, this is not one of the grounds on which a declaration under Section 6 of the Act could have been quashed by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. The grounds on which a declaration under Section 6 of the Act could be quashed by this Court are when the power dispensing with the enquiry under Section 5-A of the Act is exercised in an arbitrary manner or on an extraneous consideration and at any rate, not on the ground that real urgency is not demonstrated. Whether there was real urgency or not is always within the subjective satisfaction of the authority concerned.

That at any rate, no further orders as such are required to be passed in the writ appeals since the appellants are stated to have conducted enquiry under Section 5-

A of the Act in which the respondents – writ petitioners participated. Further proceedings shall go on in accordance with law.

The Writ Appeals are accordingly disposed of.

(B. Sudershan Reddy, J)

22-02-2005

(C.V. Ramulu, J)

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To

1. The Vice Chairman & Managing Director,

   Andhra Pradesh Industrial Infrastructure

Corporation Ltd., Hyderabad.

2. The District Collector, Ranga Reddy District at Hyderabad.
3. The Special Deputy Collector, Land Acquisition (Industries), Hyderabad.
4. Two CCs to the Government Pleader for Land Acquisition, Hyderabad (OUT).
5. Two CD copies.